

REMARKS

The Examiner is thanked for granting an interview to the applicant on October 7, 2004. During the interview, patentable distinctions of the claimed invention were discussed. It is earnestly believed that the Examiner agrees that U.S. patent No. 6,330,709 (*Johnson et al.*) does NOT teach or suggest: analyzing a java class file, for one or more runtime-attributes associated with runtime performance of the java class file, prior to loading or executing the class file by the virtual machine, marking one or more Bytecodes of the class file, based on the analyzing of the class file, prior to loading or executing the class file by the virtual machine; or generating at least one run-time attribute for each one of said one or more marked Java Bytecodes prior to loading or executing the class file by the virtual machine.

In addition, it is earnestly believed that the Examiner agrees that *Patel* does NOT teach or suggest: generating at least one run-time attribute for each one of the one or more marked Java Bytecodes prior to loading or executing the class file by the virtual machine, reading by the virtual machine, during the load time of the class file into the virtual machine, the at least one run-time attribute for each one of the marked Java Bytecodes, or providing by the virtual machine at least one runtime feature associated with the at least one run-time attribute prior to execution of said class file by the virtual machine.

Still further, it is earnestly believed that the Examiner agrees that *Patel* cannot possibly teach or suggest: executing the class file by said virtual machine in a runtime environment that includes the at least one runtime feature associated with the at least one run-time attribute, thereby allowing the runtime environment to be customized based on the analyzing, marking, and generating of the at least one run-time attribute.

Solely in order to expedite prosecution, claims have been amended to recite the combination of all of these features. Accordingly, it is respectfully submitted that **all pending claims are now in condition for early allowance**. However, the Applicant reserves the right to pursue claims of the original scope in a continuation application.

Based on the foregoing, it is submitted that claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. Sun835). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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